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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,318	11/02/2001	John Joseph King	LF101US	8272

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EXAMINER

NGUYEN, DUC M

ART UNIT PAPER NUMBER

2685

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/004,318	Applicant(s) KING ET AL.	
	Examiner Duc M. Nguyen	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/28, 4/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's response filed on 4/18/05. Claims 1-20 are now pending in the present application. **This action is made final.**

Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 4/4/05 and 3/28/05 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Rossmann** (US Pat. Number **5,809,415**) in view of **Lekvena** (PCT Pub. No. WO 00/25501) and **Govindarajan** (US **6,208,659**).

Regarding claims **1, 11, 16**, **Rossmann** discloses a method for allowing a communication device such as cellular phones being able to access and retrieve information or application programs stored at a remote computer server of a service provider (see **Figs. 1, 5 and col. 3, line 25 - col. 6, line 67**), this would enabling the user to access to an application program by way of a website associated with a wireless

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service provider for the cellular phone (see Fig. 5, refs. 140, 141, 542, 543). However, **Rossmann** fails to disclose the retrieving of a program that displays a plurality of picture files on the cellular phone. However, **Lekvena** discloses a method for displaying a plurality of images (picture files) associated with telephone numbers (see Abstract, Figs. 3-4 and col. 12, line 32 – col. 13, line 33). Here, since **Rossmann** discloses a cellular phone, and since **Lekveka** discloses a graphical display comprising a plurality of picture files associated with telephone numbers so that a user can easily recognize an intend calling party from his/her photograph, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate **Lekveka's** teaching to **Rossmann** for incorporating a plurality of picture files associated with telephone numbers in a phonebook directory for providing a method of displaying a plurality of picture files, so that a user can easily recognize an intend calling party from his/her photograph.

Here, since **Lekvena** discloses a user interfaces and program for enabling display of a plurality of picture files (see Abstract, Figs. 3-4 and col. 9, lines 9-20), a circuit for downloading a plurality of picture files (see col. 12, line 32 – col.13, line 12) from a remote device by a wireless (RF) protocol from telecommunication networks (see col. 7, lines 1-5), and a display for displaying content information (telephone numbers) with picture files (see col. 9, lines 9-20), it is clear that a user in **Lekvena** would obviously be able to **select** a picture (or a selection option associated with the picture) to activate a dialing feature, or activate an **editing** feature in order to **change** an out-dated telephone number, or **enlarging** a selected picture on the **display** for

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confirmation before dialing, or **changing the order** of picture files in accordance with the most recent or most frequent called telephone numbers, or **downloading** a new phone and a new picture to the phonebook, wherein the program for displaying pictures of the phonebook would read on the "entry program".

Therefore, **Rossmann** as modified would disclose all the claimed limitations except for the user of the cellular phone being able to access the web page from "a location remote from the cellular phone". However, it is noted that accessing a remote server from a computer for reconfiguring an application program is well known in the art as disclosed by **Govindarajan** (see **Figs. 4-5** and **col. 10, line 48 - col. 11, line 39**). Since **Rossmann** discloses application programs that are stored at remote computer servers which are accessible from several telecommunication networks such as WAN, Internet (see **Figs. 1, 5**), it would have been obvious to one of ordinary skill in the art at the time the invention was made to further incorporate the above teaching of **Govindarajan** to **Lekvena** and **Rossmann** for remotely accessing the web page of the service provider from a computer as well, to change or adding telephone numbers associated with picture files, for utilizing advantages provided by the computer such as large keyboards for easily inputting data when changing phone numbers (i.e, updating) or downloading picture files of new friends from the computer to the telephone directory. Therefore, after performing the above steps by the computer, then by remotely accessing the phonebook's picture files from a cellular phone, the display would display changed plurality of picture files on the display of the cellular phone as claimed.

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Regarding claims **2-5, 7, 12, 17**, they are rejected for the same reason as set forth in claims **1, 11, 16** above. In addition, by downloading picture files of new friends from the computer to the telephone directory (or phone book) located at the website and then retrieving these picture files at the cellular phone from the website, this would read on limitations of "computer", "remote device", "coupling", "wired protocol" and "wireless protocol" as claimed.

Regarding claims **2-7, 12-13, 18**, they are rejected for the same reason as set forth in claims **1, 11, 16** above. In addition, since sending/receiving a picture or file as an attachment to an e-mail message in a wireless system is well known in the art (Official Notice), it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the above teachings of **Govindarajan, Lekvena** and **Rossmann** for downloading picture files as an attachment to an email message as well, so that the picture files could be effectively saved into a memory at user's choice, whereas it is clear that such email message would employ a wired protocol of the computer LAN, a wireless protocol of the cellular network, and be transmitting from a remote device (computer) as claimed.

Regarding claims **8, 14**, they are rejected for the same reason as set forth in claims **1, 11, 16** above. In addition, it is clear that **Rossmann** as modified would disclose displaying content information (telephone number) with picture file.

Regarding claims **9, 15, 20**, they are rejected for the same reason as set forth in claim **1** above. In addition, since **Lekvena** discloses the order of graphic images are arranged according to their most frequently called numbers (see **col. 11, lines 26-38**), it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Rossmann, Lekvena and Govindarajan** for providing a selection for changing as claimed, so that the user would be able to arrange the telephone numbers and their associate images either in the order of frequency of use or in a chronological order for displaying on the display of the phone.

Regarding claims **10, 19**, the claims are interpreted and rejected for the same reason as set forth in claims **1, 11, 16** above. In addition, it is clear that **Rossmann** as modified would disclose a keyword (telephone number) associated with a picture is entered by the user when changing and/or updating the content information (telephone number) of a picture, and the content information would be downloaded to the phone when retrieving the phonebook from the website.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Shankarappa et al** (US 6,266,690), Enhanced service platform with secure system and method for subscriber profile customization.
- **Knowlton et al** (US 5,973,692), System for indexing of graphical representation of files, information sources and the like.

7. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)
or (571) 273-8300 after July 15, 2005.

(571)-273-7893 (for informal or draft communications).

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Hand-delivered responses should be brought to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Edward Urban (Supervisor) whose telephone number is (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (571) 272-7259.

Duc M. Nguyen

June 25, 2005

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal flourish extending to the right.